



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 250
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,251	11/17/2003	Michael Richard Barrett	03292.101830	6490

66569 7590 03/14/2007
FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
----------	--------------

2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,251	BARRETT ET AL.	
	Examiner	Art Unit	
	Tony Mahmoudi	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 08-January-2007, claims 1, 4-9, and 13 are amended per applicant's request. Claims 1-13 are presently pending in the application, of which, claims 1 and 13 are presented in independent form.

Priority

2. The instant application is a CIP (continuation-in-part) of U.S. Non-Provisional Patent Application S/N 10/334,271, filed on 31-December-2002.

The limitation of "servicing component" of the instant application is *not supported* by the specification of the parent application. Therefore, the filing date of the Provisional Patent Application (31-December-2002) is considered the effective filing date for those claim limitations of the instant application *which do not include and/or refer to* the "servicing component" limitation.

Accordingly, claims components including and/or referencing the "servicing component" limitation are subject to the effective filing date of 17-November-2003 (the actual filing date of the instant application.)

Oath/Declaration

3. The Declaration filed on 08-January-2007 is entered and accepted by Examiner.

Drawings

4. The drawing replacement filed on 08-January-2007 is entered and accepted by the Examiner.
The Objections previously made to the drawings are withdrawn in view of the replacement drawing.

Specifications

5. The Objections made to the specification are hereby withdrawn by the Examiner in view of the amendments made to the specification on 08-January-2007.

Claim Objections

6. Objections made previously to claims 4, 7 and 13 for minor informalities are withdrawn in view of the amendments made to these claims.

Claim Rejections - 35 USC § 112

7. The previous rejection under the *second paragraph* of 35 U.S.C. 112 is hereby withdrawn by the Examiner in view of the amendments made to the affected claims.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1 and 13 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites a computing system comprising a series of *components* (e.g., registration, ownership, audit, and servicing components.) According to the specification of the instant application, in page 4:

“The present invention may be described herein in terms of various *functional components* and various processing steps. It should be appreciated that *such functional components may be realized by a variety of different hardware* or structural components configured to perform the specified functions.”

From the specification details, the components of claim 1 are interpreted by the Examiner to represent *software components* or *software modules* which are not *necessarily* associated with any hardware (they “may be realized” by hardware, as per the description in the specification), and are therefore, considered non-statutory subject matter as software, per se.

Independent claim 13 is “a method for facilitating the maintenance of relationships”, which “assigns” either “a positive weight”, or “a negative weight”, based on the success or

failure of a relationship confirmation, and “aggregates” the positive and negative weights to “determine the usage history of a user identity.”

The functions of “assigning” positive or negative weight, and “aggregating” the weights all result in *determining* the usage history. The “determination” is simply a calculation (e.g. a numerical computation), and therefore, is considered non-statutory because it is not tangible.

The “determining” is not communicated to the user, nor is an indication of such determination (calculation) stored anywhere in memory.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as Candella.)

Art Unit: 2165

As to claim 13, **Candella** teaches a method for facilitating maintenance of relationships between a user identity and an account related to said user identity (see paragraphs 1, 11, and 25) comprising:

assigning a positive weight (see paragraphs 32 and 41) for a transaction that is deemed a successful confirmation of a relationship between said user identity and said account (see paragraph 49, where “successful confirmation” is read on “successful answering”; and see “correct answers” in paragraph 56-59);

assigning a negative weight (see paragraphs 32, 35 and 43) for a transaction that is deemed an unsuccessful confirmation of a relationship between said user identity and said account (see paragraphs 13 and 49, where “unsuccessful confirmation” is read on “incorrect answers”); and

aggregating said positive and negative weights (see paragraph 58) to determine a usage history of a user identity (see paragraphs 12, 27, 30, 39 and 54-55, where “usage history of the user identity” is read on “name/address record has been matched within the *preselected period*”).)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2165

13. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable Bansal et al (U.S. Pub. No. 2003/0120593 A1, hereinafter referred to as **Bansal**) in view of Benson et al (U.S. Pub. No. 2004/0225632 A1, hereinafter referred to as **Benson**), and further in view of Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**.)

As to claim 1, **Bansal** teaches a computing system for facilitating management of user identities (see paragraphs 344, and 370, and 374, where “user identities” is read on “user profiles”) comprising:

a registration component (see paragraphs 29-36) configured to facilitate gathering information from users (see paragraphs 36, 342) and establishing a relationship between a user and an identity (see paragraphs 374, 527, and 881);

an ownership component (see paragraph 156, where “ownership” is read on “membership”) configured to facilitate verification of the ownership of an account and to facilitate relating said ownership to said identity (see paragraphs 62, 239-240, 252, and 474, where “verification of ownership” is read on “verifying the identity of an entity”, and controlling access by the entity”);

an audit component (see paragraphs 80 and 99) configured to periodically facilitate monitoring said account and said identity (see paragraphs 35, 80, 97-100, and 535) to verify the integrity of the relationship (see paragraphs 352-453, and see paragraph 717, where “verifying the integrity” is read on “ensuring transaction integrity”).)

Bansal does not teach: a servicing component configured to facilitate maintaining and modifying information relating to said identity.

Benson teaches an automated information management system (see paragraph 2), in which he teaches: a servicing component (see paragraph 55-57) configured to facilitate maintaining and modifying information relating to said identity (see paragraphs 6, 28 and 47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal by the teaching of Benson, because including a servicing component configured to facilitate maintaining and modifying information relating to said identity, would enable the system to use a service component to write changes to the identity, if changes are to be applied to the identity information, as taught by Benson (see paragraphs 55). Benson also uses service components for various other functions dealing with identity information, for example, reading data from a drop file, and for and writing information (see paragraph 56), and for applying changes to the unified identity information (see paragraph 57.)

Bansal as modified, still does not teach determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account.

Candella teaches a usage history (see paragraphs 53-55) based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account (see paragraphs 13, 43, 45, 49, 58, and 59.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal as modified, by the teachings of Candella, because doing so would ensure the integrity of a user (identity) with an account

Art Unit: 2165

that the user (identity owner) claims to be his/her account, and would prevent unauthorized access to an account by users who do not successfully provide a correct answer, while allowing users who successfully provide a correct answer, to access their accounts.

As to claim 2, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by users (see **Benson**, paragraphs 21, 25 and 74, and see **Bansal**, paragraphs 18 and 215.)

As to claim 3, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by one or more customer service representatives (see **Benson**, paragraphs 25 and 74, where “customer service representative” is read on “administrator”, and see **Bansal**, paragraphs 41, 70, and 239.)

As to claim 4, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of a user id (see **Bansal**, paragraphs 349 and 477.)

As to claim 5, **Bansal** as modified, teaches wherein said ownership component is further configured for:

Art Unit: 2165

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claims 6 and 9, **Bansal** as modified, still does not teach the system further configured for facilitating:

assigning a positive weight for a successful answer by an account associated with said identity;

assigning a negative weight for an unsuccessful answer by an account associated with said identity; and

aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account.

Candella teaches a system for detecting identity theft (see paragraphs 1 and 11), in which he teaches:

assigning a positive weight (see paragraphs 32 and 41) for a successful answer by an account associated with said identity (see paragraphs 49 and 58);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful answer by an account associated with said identity (see paragraphs 13 and 49); and

aggregating said positive and negative weights (see paragraph 58) to determine the likelihood a claimed identity is the owner of said account (see paragraph 30, where “the likelihood a claimed identity is the owner of said account” is read on “the probability that the

Art Unit: 2165

purchaser is using another purchaser's identity in a fraudulent manner; and see paragraph 49.”)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Bansal** as modified, by the teachings of **Candella**, because assigning a positive weight for a successful answer by an account associated with said identity; assigning a negative weight for an unsuccessful answer by an account associated with said identity; and aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account, would assist the system in “determining the risk that a person, such as a purchaser 20 seeking to buy a product or service, purchase a ticket or enter a location 21, is not who they claim to be”, as taught by **Candella** in paragraph 28 and figures 2A-2B, and it would enable the system “to determine the probability that the purchaser is using another purchaser's identity in a fraudulent manner”, as taught by **Candella** in paragraph 30.

As to claim 7, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of an account (see **Bansal**, paragraphs 344, 355-357, and 384.)

As to claim 8, **Bansal** as modified, teaches wherein said ownership component is further configured to facilitate:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and

generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claim 10, **Bansal** as modified, teaches wherein:

said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of ownership information from said user (see **Bansal**, paragraphs 35, 80, and 424.)

As to claim 11, **Bansal** as modified, teaches wherein said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of identity information (see **Bansal**, paragraphs 349 and 474-477.)

As to claim 12, **Bansal** as modified, teaches wherein said information from said users comprises biometric information (see **Bansal**, paragraphs 63 and 475.)

Response to Arguments

14. Applicant's arguments filed on 08-January-2007 with respect to the rejected claims in view of the cited references have been fully considered.

Art Unit: 2165

The Applicant's arguments regarding the rejection of claim 1 (software, per se), and claim 13 (result not considered tangible) under 35 U.S.C. 101 are not deemed persuasive. Therefore, the rejections are maintained.

The Applicant's argument regarding claim 13, that "nothing has been found in *Candella* that would teach or suggest assigning a positive weight for a transaction that is deemed a successful confirmation of the relationships between the user and the account, and assigning a negative weight for a transaction that is deemed an unsuccessful confirmation of the relationships between the user identity and the account", the argument has been fully considered but it is not deemed persuasive. *Candella* teaches assigning a positive weight (see paragraphs 32 and 41) for a transaction that is deemed a successful confirmation of a relationship between said user identity and said account (see paragraph 49, where "successful confirmation" is read on "successful answering"; and see "correct answers" in paragraph 56-59); and he teaches assigning a negative weight (see paragraphs 32, 35 and 43) for a transaction that is deemed an unsuccessful confirmation of a relationship between said user identity and said account (see paragraphs 13 and 49, where "unsuccessful confirmation" is read on "incorrect answers".)

Applicant's remarks and arguments regarding claim 1 (and its dependent claims) have been fully considered but they are moot in view of the new grounds of rejection for claims 1-12 as detailed in sections 12 and 13 of this Office Action.

Art Unit: 2165

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

tm

January 30, 2007


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100